REMARKS

In response to the Office Action mailed on May 12, 2010, Applicant respectfully requests reconsideration based on the above amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claims 13, 16-17, 25-29, 32-33 and 47 were amended, leaving Claims 1-8, 10, 13-23, and 25-37, and 44-47 for consideration upon entry of the present amendment. No new matter has been added.

Preliminary Amendment

On August 11, 2010 the Applicant discussed the preliminary amendment filed on July 27, 2006, which included an amendment to the first paragraph of the specification including references to priority documents. The Examiner acknowledged the amendment to the specification and had no objections. The Applicant would like to thank the Examiner for her time.

Support for Claim Amendments

The amendments to Claims 13, 16-17, 25-29, 32-33 and 47 are fully supported in Applicants specification. See, for example, [0030], [0129], [0133], [0200]-[0202] in the specification as published filed.

Claim Objections

Claims 3 and 32-33 are objected to for informalities. The Applicant appreciates the Examiner's observations and has amended the Claims accordingly to address the Examiner's concerns. The Applicant respectfully requests reconsideration and withdrawal of the objection of Claims 3 and 32-33.

Claim Rejections - 35 U.S.C. § 101

Claims 13, 16, 25, 28 and 47 stand rejected under 35 U.S.C. §101 as being allegedly directed to non-statutory subject matter. The Applicant has amended Claims 13, 16, 25, 28 and 47 to recite *inter alia* "computer usable <u>storage medium</u> storing instructions," rendering the rejection moot. The Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 13, 16, 25, 28 and 47.

Claims 15, 27, 29-33 and 44-46 stand rejected under 35 U.S.C. §101 as being allegedly directed to non-statutory subject matter. The Applicant respectfully disagrees. Claims 15, 27, 29 and 44 are directed to an apparatus, which is a physical object. Paragraph [0200] of the specification supports a physical apparatus. ("The present invention can be realized in hardware," Specification, Para. [0200].) Claims 30-33 and 45-46 depend from Claims 19 and 44 respectively. Therefore, for at least these reasons, the Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 15, 27, 29-33 and 44-46.

Claims 13-14 and 26 stand rejected under 35 U.S.C. §101 as being allegedly directed to non-statutory subject matter. The Applicant has amended Claim 13 to recites *inter alia* "comprising a computer readable storage medium <u>storing instructions</u>." Therefore, Claim 13 recites a "computer readable storage medium <u>storing</u> instructions," which is non-transitory. Claim 26 has been similarly amended to recites *inter alia* "the computer readable storage device <u>storing</u> instructions," which is non-transitory. Claim 14 depends from Claim 13. Therefore, for at least these reasons the Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 13-14 and 26.

Claim Rejections - 35 U.S.C. §112

Claim 29 stands rejected under 35 U. S.C. §112 second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Applicant appreciates the Examiner's observations and has amended Claim 29 to recite *inter alia* "a policy advisor

to interpret acquisition policies." The Applicant respectfully requests reconsideration and withdrawal of the rejection.

Claim Rejections 35 U.S.C. §102

Claims 29 and 47 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,847,968 to Pitts (hereinafter "Pitts"). Applicant respectfully traverses the rejection and submits that Pitts does not teach, expressly or inherently, all of the elements of Claims 29 and 47.

Claim 29 recites *inter alia* "a resource manager to manage resource acquisition for computing environments, the resource manager managing resource acquisition based on the acquisition policies." Pitts discloses an "atomic DDS domain" which limits access by the NDC to only files within the local file system. ("each atomic DDS domain 206 A exports to an NDC 50 that has been designated as a domain manager 212 <u>only a single root 208 upon which have been grafted the exported portion of local file system trees</u> 198. One characteristic unique to atomic DDS domains 206 A is that they provide access via the DDS domain tree 200 to <u>only files stored in their local file system trees</u>," Pitts, Col. 7, lines 34-40, emphasis added.) Therefore, Pitts is devoid of teaching "a resource manager to manage resource acquisition for computing environments, the resource manager managing resource acquisition based on the acquisition policies," as recited *inter alia* in Claim 29. For at least this reason, Claim 29 is allowable over Pitts.

Claim 47 is substantially similar to Claim 29 and is allowable for at least the same reasons discussed above with regard to Claim 29.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 2, 3, 10, 13, 14, 15, 16 and 34-35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,708,187 to Shanumgam (hereinafter "Shanumgam") in view of U.S. Patent No. 5,889,956 to Hauser (hereinafter "Hauser"). Applicant respectfully traverses the rejection and submits that Shanumgam in view of

Hauser does not teach or suggest all of the elements of Claims 1, 2, 3, 10, 13, 14, 15, 16 and 34.

With regard to Claim 1, the Examiner states that Shanumgam teaches "at least one policy controlling acquisition of at least one resource," as recited *inter alia* in Claim 1. Shanumgam discloses a VPN with a VPN rule controlling <u>access</u> between a host and the VPN. ("the rules node 276 initially includes a default VPN rule 278 corresponding to the policy settings selected by the network administrator during setup of the policy server 122. The default VPN rule 278 <u>allows unrestricted access between the hosts in the VPN</u>," Shanumgam, col. 13, lines 1-6, emphasis added.) This does not teach or suggest "controlling <u>acquisition</u> of at least one resource," but rather discloses controlling <u>access</u> to the VPN by a host. (Shanumgam, col. 13, lines 1-6.) The addition of Hauser does not cure the deficiencies of Shanumgam.

In addition, with regard to Claim 1, Shanumgam is devoid of teaching or suggesting "acquisition of at least one resource from resource libraries for said at least one domain, and any <u>sub-domains</u> within said at least one domain," as recited *inter alia* in Claim 1. Shanumgam discloses "policy domains objects," but is devoid of teaching or suggesting "any sub-domains," as recited *inter alia* in Claim 1. (Shanumgam, col. 5, line 30-32.)

Furthermore, with regard to Claim 1, the Examiner states that Shanumgam does not disclose "acquisition of at least one resource from resource libraries for said at least one domain," but alleges that Hauser teaches this element. Hauser discloses resource allocation from higher system levels to lower system levels but is devoid of teaching or suggesting "acquisition of at least one resource <u>from resource libraries</u> for said at least one domain," as recited *inter alia* in Claim 1. Specifically, Hauser discloses sharing resources across a number of tiered entities as opposed to "acquisition of at least one resource from resource libraries for said at least one domain," as recited *inter alia* in Claim 1. ("The system advantageously allocates resources to a <u>requesting entity based on availability of resources at the *intervening levels*</u>," col. 5, lines 8-10, emphasis added.)

Therefore for at least these reasons, the combination of Shanumgam and Hauser does not teach or suggest the elements of Claim 1.

Claims 2-3, 10 and 34-35 depend from Claim 1 and are believed to be allowable for at least the reason that they depend from an allowable base claim.

Claims 13 and 14 are substantially similar to Claim 1 and are allowable for at least the same reasons as Claim 1. Therefore, for at least those reasons, the Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 13 and 14.

Claim 15 recites *inter alia* "a list of computing environments to be managed, at least one policy controlling acquisition of at least one resource from composite resources for said at least one domain, and any sub-domains within said at least one domain." The combination of Shanumgam and Hauser does not teach or suggest these elements of Claim 15 for at least the same reasons as stated above with regard to Claim 1.

In addition, the combination of Shanumgam and Hauser does not teach or suggest "acquisition of at least one resource from *composite* resources," as recited *inter alia* in Claim 15. Hauser discloses resource allocation from higher system levels to lower system levels but is devoid of teaching or suggesting "acquisition of at least one resource from composite resources," as recited inter alia in Claim 15. Specifically, Hauser discloses sharing resources across a number of tiered entities as opposed to "acquisition of at least one resource from composite resources," as recited inter alia in Claim 15. ("The system advantageously allocates resources to a requesting entity based on availability of resources at the intervening levels," col. 5, lines 8-10, emphasis added.) The resources that Hauser allocates are "buffers and bandwidth," which are allocated over a telecommunications network as opposed to "acquisition of at least one resource from composite resources," as recited *inter alia* in Claim 15. (Hauser, Abstract.)

Therefore, for at least these reasons Claim 15 is allowable over the combination of Shanumgam and Hauser.

Claim 16 is substantially similar to Claim 15 and is allowable for at least the same reasons stated above with regard to Claim 15.

Claims 36-37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shanumgam and Hauser in view of Pitts. Applicant respectfully traverses the rejection and submits that Shanumgam and Hauser in view of Pitts does not teach or suggest all of the elements of Claims 36-37. The addition of Pitts does not cure the deficiencies identified above with regard to Claim 1.

Claims 36-37 depend from Claim 1 and are believed to be allowable for at least the reason that they depend from an allowable base claim.

Claims 17-23 and 25-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pitts in view of Shanumgam. Applicant respectfully traverses the rejection and submits that Pitts in view of Shanumgam does not teach or suggest all of the elements of Claims 17-23 and 25-28.

With regard to Claim 17, the Examiner states that the Pitts teaches "wherein each domain represents [an] organization within the entity," as recited *inter alia* in Claim 17. Pitts discloses controlling access to files by creating a hierarchical domain tree of files and directories and controlling the access to these files by the computers. ("the present invention is a method for facilitating access by a first digital computer to a file that is stored in a local file system tree of a second digital computer…initially establishing a hierarchical domain tree that encompasses digital computers in the network…After the digital computers in the network of digital computers have established the hierarchical domain tree, the first digital computer accesses the file that is stored in a file system tree of the second digital computer by first retrieving from the domain manager the domain root for the hierarchical domain tree," Pitt, col. 5, lines, 36-65, emphasis added.) Pitts is devoid of teaching or suggesting "wherein each domain represents a different organization within the entity," as recited *inter alia* in Claim 17. Shanumgam does not correct the deficiencies identified above with regard to Pitt.

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In addition, with regard Claim 17, the combination of Pitts and Shanumgam does not teach or suggest," the computing utility comprising multiple root collectors, each root collector representing the organization within the entity, and enabling resource sharing between the different organizations," as recited *inter alia* in Claim 17.

Therefore for at least these reasons, Claim 17 is allowable over the combination of Pitts and Shanumgam.

Claims 18-23 depend from Claim 17 and are believed to be allowable for at least the reason that they depend from an allowable base claim.

Claims 25 and 26 are substantially similar to Claim 17 and are allowable for at least the same reasons identified above with regard to Claim 17.

Claims 27 recites *inter alia* "means for creating an automatic hierarchical representation of a computing infrastructure for an entity comprising means for organizing the entity into a domain tree of domains, wherein each domain represents a different organization within the entity, said each domain obtains computing environments and resources from a computing utility, the computing utility comprising multiple root collectors, each root collector representing the organization within the entity, and enabling resource sharing between the different organizations." The combination of Pitts and Shanumgam does not teach each and every element of Claim 27 for at least the same reasons identified above with regard to Claim 17.

Claim 28 is substantially similar to Claim 27 and is allowable for at least the same reasons identified above with regard to Claim 27

Claims 30-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,460,082 to Lumelsky (hereinafter "Lumelsky") in view of U.S. Patent No. 5,649,185 to Antognini (hereinafter "Antognini"). Applicant respectfully traverses the rejection and submits that Pitts in view of Antognini does not teach or suggest all of the elements of Claims 30-33. The addition of Antognini does not correct the deficiencies identified above with regard to Claim 29.

Claims 30-33 depend from Claim 29 and are believed to be allowable for at least the reason that they depend from an allowable base claim.

Claims 44 and 46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lumelsky in view of Antognini. Applicant respectfully traverses the rejection and submits that Lumelsky in view of Antognini does not teach or suggest all of the elements of Claims 44-46.

With regard to Claim 44, the Examiner states that Lumelsky does not teach "at least one Base Resource Library Service coupled to said Base Resource Distribution Service to provide reservation and allocation of resources," as recited *inter alia* in Claim 44. (Office Action, pg. 14.) The Examiner further states that Antognini teaches a "library server." (Office Action, pg. 14.) The combination of Lumelsky and Antognini, however, fail to teach or suggest "at least one Base Resource Library Service coupled to said Base Resource Distribution Service to provide *reservation* and allocation of resources," as recited *inter alia* in Claim 44. Specifically, Antognini discloses an image library that may share documents via a copy mechanism but does not teach or suggest providing "reservation and allocation of resources," as recited *inter alia* in Claim 44. (Antognini, col. 9, lines 7-8.) Antognini is devoid of teaching or suggesting "reservation" resources. Therefore, for at least these reasons Claim 44 is allowable over the combination of Lumelsky, and Antognini.

Claim 46 depends from Claim 44 and is believed to be allowable for at least the reason that it depends from an allowable base claim.

Claim 45 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lumelsky, Antognini in view of Pitts. Applicant respectfully traverses the rejection and submits that Pitts in view of Antognini does not teach or suggest all of the elements of Claim 45. The addition of Pitts does not cure the deficiencies identified above with regard to Claim 44.

Claim 45 depends from Claim 44 and is believed to be allowable for at least the reason that it depends from an allowable base claim.

CONCLUSION

In this Amendment, Applicant has made amendments in order to facilitate expeditious prosecution of the application. Applicant is not conceding that the subject matter encompassed by the claims prior to this Amendment is unpatentable over the art cited by the Examiner. Applicant respectfully reserves the right to pursue claims in one or more continuing applications, including claims capturing the subject matter encompassed by claims prior to this Amendment and additional claims.

It is believed that the foregoing amendments and remarks are fully responsive to the Office Action and that the claims herein are in condition for allowance. In the event the Examiner has any questions regarding the instantly submitted response, the undersigned respectfully request the courtesy of a telephone conference to discuss any matters in need of attention.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 50-0510.

Respectfully Submitted,

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